

AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232**

Prepared by:

Don Anderson

Department: Corporate Counsel

Requested Agenda Date: 06/27/2023

Presenting: Don Anderson

Document Title:

Dissolving the Cowiche Sewer District

Board of County Commissioners Record Assigned

#

002-2023

APPROVED FOR AGENDA:

☐ Consent

☐ Regular

Board of County Commissioners Determined

Action Requested: *Check Applicable Box*

☐ PASS RESOLUTION ☐ EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT

☐ ISSUE PROCLAMATION ☒ PASS ORDINANCE ☐ OTHER _____

Describe Fiscal Impact:

\$0

Background Information:

Summary & Recommendation:

Motion:

Department Head/ Elected Official

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial

Signature

Late Agenda Requests Require BOCC Chairman Signature:

BOARD OF YAKIMA COUNTY COMMISSIONERS

IN THE MATTER OF DISSOLVING THE COWICHE SEWER DISTRICT

ORDINANCE NO. 2-2023

WHEREAS, the Cowiche Sewer District is a self-governing special purpose district that was formed by County legislative action in the late 1950s to provide a sewer system to customers in the Cowiche area in Yakima County; and

WHEREAS, the Cowiche Sewer District operated without an active Board and District Administrator from May and June 2022, respectively; and

WHEREAS, on or about December 29, 2022, the Washington State Auditor reported that the Cowiche Sewer District's financial records were not available to complete an audit as required by law, and therefore declared the District "unauditable;" and

WHEREAS, by being declared unauditable, the Cowiche Sewer District meets the definition of "inactive" as defined in RCW 36.96.010(3)(c); and,

WHEREAS, RCW 36.96.040 requires that on or before June 1st of every year each county auditor shall search available records and notify the county legislative authority if any special purpose districts located wholly or partially within the county appear to be inactive; and

WHEREAS, based on the Washington State Auditor's report, the Yakima County Auditor notified the Board of Yakima County Commissioners that the Cowiche Sewer District appeared to be inactive; and

WHEREAS, having been so notified by the County Auditor, RCW 36.96.030 provides that "at any time a county legislative authority may hold hearings on the dissolution of any special purpose district that appears to meet the criteria of being "inactive" and dissolve such a district pursuant to the proceedings provided for in RCW 36.96.030 through RCW 36.96.080; and

WHEREAS, pursuant to RCW 36.96.030, on March 21, 2023 a public hearing was held to consider the dissolution of the Cowiche Sewer District and to allow for public comment;

NOW THEREFORE the Board of County Commissioners of Yakima County, Washington, finds that:

- 1) The Cowiche Sewer District is inactive and may be dissolved by ordinance in conformity with RCW 36.96.040;

- 2) The operation of the Cowiche Sewer District provides a vital service to the people of the City of Tieton and surrounding areas, and the City has publicly expressed its desire perform the functions of the district. Accordingly, it is in the public interest that the Cowiche Sewer District be dissolved, in order that the Yakima County Board of Commissioners, pursuant to RCW 36.96.060, may facilitate the transfer of the district's assets and liabilities to the City of Tieton.

WHEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF YAKIMA COUNTY COMMISSIONERS AS FOLLOWS:

The Cowiche Sewer District is hereby dissolved and shall cease to exist, and the authority and obligation to carry out the purposes for which it was created shall cease thirty-one days after the adoption of this ordinance.

DONE JUN 27 2023

Attest:



Julie Lawrence, Clerk of the Board *or*
Erin Franklin, Deputy Clerk

LaDon Linde, Chair

EXCUSED

Amanda McKinney, Commissioner

Kyle Curtis, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*